

SENATE BILL 525 (LRB -4444)

An Act to renumber 947.01; and to create 947.01 (2) of the statutes; relating to: disrupting a funeral or memorial service or a funeral procession and providing penalties. (FE)

2006

- 02-02. S. Introduced by Senators **Brown, Decker, Schultz, A. Lasee, Zien, Harsdorf, Lazich, Cowles, Olsen, Carpenter and Plale**; cosponsored by Representatives **Musser, Turner, Loeffelholz, J. Fitzgerald, Lothian, Pettis, Davis, Ott, Rhoades, Montgomery, Gronemus, Nelson, Kreuser, Kerkman, Hines, Lehman, LeMahieu, Zepnick, M. Williams, Krawczyk, Bies, Van Roy, Gunderson, Albers, Kreibich and Petrowski.**
- 01-25. S. Read first time and referred to committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform 553
- 01-25. S. Representative Molepske added as a cosponsor 554
- 01-26. S. Senator Roessler added as a coauthor 557
- 01-31. S. Senate substitute amendment 1 offered by Senator Brown (**LRB s0499**) 570
- 02-01. S. Senator Breske added as a coauthor.
- 02-01. S. Fiscal estimate received.
- 02-01. S. Public hearing held.
- 02-01. S. Executive action taken.
- 02-01. S. Report adoption of Senate Substitute Amendment 1 recommended by committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform, Ayes 5, Noes 0.
- 02-01. S. Report passage as amended recommended by committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform, Ayes 5, Noes 0.
- 02-01. S. Available for scheduling.
- 02-01. S. Placed on calendar 2-2-2006 by committee on Senate Organization.
- 02-02. S. Read a second time.
- 02-02. S. Senate substitute amendment 1 **adopted**.
- 02-02. S. Ordered to a third reading.
- 02-02. S. Rules suspended.
- 02-02. S. Read a third time.
- 02-02. S. Placed at the foot of the twelfth order of business.
- 02-02. S. **Passed**, Ayes 33, Noes 0.
- 02-02. S. Senator Lassa added as a coauthor.
- 02-02. S. Senator Grothman added as a coauthor.
- 02-02. S. Senator Jauch added as a coauthor.
- 02-02. S. Senator Darling added as a coauthor.
- 02-02. S. Ordered immediately messaged.
- 02-02. A. Received from Senate.
- 02-02. A. Read.
- 02-02. A. Rules suspended and taken up.
- 02-02. A. Read a second time.
- 02-02. A. Ordered to a third reading.
- 02-02. A. Rules suspended.
- 02-02. A. Read a third time and **concurred in**, Ayes 92, Noes 3.
- 02-02. A. Representatives Toles and Travis added as a cosponsor.
- 02-02. A. Ordered immediately messaged.
- 02-03. S. Received from Assembly concurred in.

2005
ENROLLED BILL

05en S B- 525

ADOPTED DOCUMENTS:

☐ Orig ☐ Engr 5 SubAmdt 1

05 S 0499/2

Amendments to above (if none, write "NONE"):

None

Corrections – show date (if none, write "NONE"):

None

Topic

Relating

2-3-06

Date

J. R. Miller

Enrolling Drafter

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2005 SENATE BILL 525**

January 31, 2006 - Offered by Senator BROWN.

1 **AN ACT to create** 947.011 of the statutes; **relating to:** disrupting a funeral or
2 memorial service or a funeral procession and providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits disorderly conduct, which is defined as engaging in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. A person who commits disorderly conduct is guilty of a Class B misdemeanor and may be fined up to \$1,000 or imprisoned in the county jail for up to 90 days or both.

This bill creates new crimes relating to disorderly conduct that occurs in the vicinity of a funeral or memorial service (which, under the bill, includes a wake or a burial but does not include a memorial service paying tribute to a broad group of people). The bill also creates new crimes related to blocking access to a facility (including a cemetery) being used for a funeral or memorial service.

Conduct that is intended to disrupt a funeral or memorial service

Under the bill, no person may do any of the following during a funeral or memorial service, during the 60 minutes immediately before the scheduled starting time of a funeral or memorial service (if one has been set), or during the 60 minutes immediately following a funeral or memorial service: 1) engage in disorderly conduct within 500 feet of any entrance to a facility being used for the service with the intent

to disrupt the service; or 2) intentionally block access to a facility being used for the service. In addition, under the bill, no person, with the intent to disrupt a funeral procession, may impede vehicles that he or she knows are part of the procession.

Other disruptive conduct in the vicinity of a funeral or memorial service

In addition to covering intentional conduct, the bill also prohibits a person from doing any of the following, without regard to the person's intent, during any of the time periods described above: 1) engaging in disorderly conduct within 500 feet of any entrance to a facility being used for a funeral or memorial service; or 2) blocking access to a facility being used for a funeral or memorial service. The bill also prohibits a person from impeding vehicles that are part of a funeral procession if the person's conduct violates the disorderly conduct statute.

Penalties

In general, a person who violates any of these prohibitions is guilty of a Class A misdemeanor and may be fined up to \$10,000 or imprisoned in the county jail for up to nine months or both. But, if a person commits one of the offenses described under "***Conduct that is intended to disrupt a funeral or memorial service***" after being convicted of a prior violation of any of the offenses described above, the person is guilty of a Class I felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and one-half years (which, if the sentence is for more than one year, consists of a term of confinement in prison followed by a term of extended supervision) or both.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 947.011 of the statutes is created to read:

2 **947.011 Disrupting a funeral or memorial service.** (1) In this section:

3 (a) "Facility" includes a cemetery in which a funeral or memorial service takes
4 place.

5 (b) "Funeral or memorial service" includes a wake or a burial, as defined in s.
6 157.061 (1), but does not include a service that is not intended to honor or
7 commemorate one or more specific decedents.

8 (2) (a) No person may do any of the following during a funeral or memorial
9 service, during the 60 minutes immediately preceding the scheduled starting time

1 of a funeral or memorial service if a starting time has been scheduled, or during the
2 60 minutes immediately following a funeral or memorial service:

3 1. Engage in conduct that is prohibited under s. 947.01 within 500 feet of any
4 entrance to a facility being used for the service with the intent to disrupt the service.

5 2. Intentionally block access to a facility being used for the service.

6 (b) No person, with the intent to disrupt a funeral procession, may impede
7 vehicles that he or she knows are part of the procession.

8 (c) No person may do any of the following during a funeral or memorial service,
9 during the 60 minutes immediately preceding the scheduled starting time of a
10 funeral or memorial service if a starting time has been scheduled, or during the 60
11 minutes immediately following a funeral or memorial service:

12 1. Engage in conduct that is prohibited under s. 947.01 within 500 feet of any
13 entrance to a facility being used for the service.

14 2. Block access to a facility being used for the service.

15 (d) No person may impede vehicles that are part of a funeral procession if the
16 person's conduct violates s. 947.01.

17 **(3)** (a) Except as provided in par. (b), any person who violates this section is
18 guilty of a Class A misdemeanor.

19 (b) Any person who violates sub. (2) (a) or (b) after having been convicted of a
20 violation of this section is guilty of a Class I felony.

21 **(END)**

OFFICE OF THE SECRETARY OF STATE

FAX COVER SHEET

Please deliver to:

Mike Barman

Fax # 264-6948

Number of pages attached, including this cover page: 2

If pages are not all received or are illegible, please call:

Billie at 266-5503

Message:

Act 114

Secretary of State Douglas La Follette
30 W Mifflin, 10th Floor
Madison WI 53702 or
PO Box 7848, Madison WI 53707-7848
608-266-8888
Fax: 608-266-3159



JIM DOYLE
GOVERNOR
STATE OF WISCONSIN

February 28, 2006

Ms. Marjorie Ehle
Office of the Secretary of State
30 West Mifflin Street, 10th Floor
Madison, WI 53703

Re: Senate Bill 525

Dear Ms. Ehle:

On February 20, 2006, the Governor approved SB 525 as 2005 Wisconsin Act 114. As previously discussed, please assign Tuesday, February 28, 2006, as the publication date for this act.

Thank you again for your attention to this matter. Should you have any questions, please contact me directly at 266-7887.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Zolik".

Nate Zolik
Assistant Legal Counsel

ENACTING

(Reprinting: adding a "Republication" date)

(Updated: 12/21/2001)

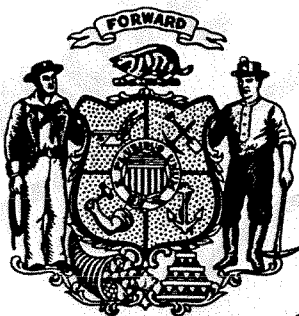
Occasionally the Secretary of States office will call ... *after a new Act has already been introduced/printed* ... to request that an Act be reprinted with a new "publication date". This happens only when the Secretary of State or the Governor's office decides (*after the Act has already been introduced/printed*) to change the "date of publication".

Note: After the Act has been introduced/printed the "date of publication" cannot be changed but a "republication" date can be added under the original "date of publication" on the first page of the Act (see the attached examples). (The courts can later fight it out to decide which date is the true "effective date".)

- ✓ 1) Call DOA printing ... tell them you need to make some changes to the Act and that it will have to be resent ... have them delete the original Act from their system.
- ✓ 2) In Docbase/LRB Public Docs/Acts change the "permissions" on the Act to "lrb_draft".
- ✓ 3) Explain what needs to be done to the Senior Legislative Editor ... he/she will add the new "republication" date to the document below the original "date of publication". Also above the "date of enactment" he/she needs to add the word ... "Republished" (in a text box ... **see attached examples**).
- ✓ 4) After the document is checked back in ... inspect a printed copy of the Act to make sure the changes were correctly made. Make four copies.
- ✓ 5) Ask the Senior Legislative Editor to also also create/print a new "newspap" for you.
- ✓ 6) Send the new "newspap" along with the four copies of the new updated Act to the Secretary of State's office. (Attn: Billy & Linda)
- ✓ 7) Change the "permissions" back to "lrb_draft_intro".
- ✓ 8) Resend the Act to DOA printing ... call them and let them know the new version is on its way.
- ✓ 9) Call ~~Greg Melde~~ at LTSB ... he will have to update "folio" so that new updated Act is posted instead of the original.

Dick
Martin

State of Wisconsin



Example

Republished

Date of enactment: December 17, 2001

Date of publication*: January 4, 2002

Republication*: December 31, 2001

2001 Senate Bill 251

2001 WISCONSIN ACT 37

AN ACT to repeal 102.077 (3) and 102.125 (2); to renumber and amend 102.11 (1) (a) and 102.125 (1); to amend 15.227 (4), 102.04 (2), 102.07 (12m), 102.11 (1) (intro.), 102.11 (1) (b), 102.16 (2) (d), 102.16 (2m) (c), 102.17 (1) (c), 102.17 (1) (e), 102.17 (1) (h), 102.17 (4), 102.18 (1) (b), 102.20, 102.23 (1) (d), 102.29 (8), 102.31 (8), 102.32 (5), 102.32 (6), 102.33 (2) (a), 102.37, 102.38, 102.39, 102.43 (5), 102.43 (6) (b), 102.44 (1) (intro.), 102.44 (1) (a), 102.44 (1) (b), 102.57, 102.58, 102.59 (1), 102.61 (1), 102.61 (1m) (c), 102.61 (1m) (d), 102.61 (1m) (e), 102.61 (1m) (f), 102.61 (2), 102.66 (1), 102.66 (2) and 626.32 (1) (a); and to create 102.01 (2) (k), 102.07 (7m), 102.11 (1) (a) 4., 102.11 (1) (am), 102.123, 102.18 (1) (e), 102.26 (3) (b) 3., 102.33 (2) (c), 102.42 (1m) and 102.61 (1g) of the statutes; relating to: various changes to the worker's compensation law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.227 (4) of the statutes is amended to read:

15.227 (4) COUNCIL ON WORKER'S COMPENSATION. There is created in the department of workforce development a council on worker's compensation appointed by the secretary of workforce development to consist of a member or designated employee of the department of workforce development as chairperson, 5 representatives of employers, and 5 representatives of employees. The secretary of workforce development shall also appoint 3 representatives of insurers authorized to do worker's compensation insurance business in this state as nonvoting members of the council.

SECTION 2. 102.01 (2) (k) of the statutes is created to read:

102.01 (2) (k) "Workweek" means a calendar week, starting on Sunday and ending on Saturday.

SECTION 3. 102.04 (2) of the statutes is amended to read:

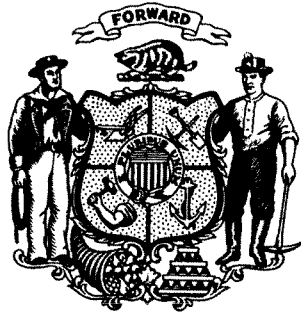
102.04 (2) Except with respect to a partner or member electing under s. 102.075, members of partnerships or limited liability companies shall not be counted as employees. Except as provided in s. 102.07 (5) (a), a person under contract of hire for the performance of any service for any employer subject to this section (1961) shall not constitute an is not the employer of any other person with respect to such that service, and such that other person shall, with respect to such that service, be deemed to be an employee only of such the employer for whom the service is being performed.

SECTION 4. 102.07 (7m) of the statutes is created to read:

102.07 (7m) An employee, volunteer, or member of an emergency management unit is an employee for purposes of this chapter as provided in s. 166.03 (8) (d), and a member of a regional emergency response team who is acting under a contract under s. 166.215 (1) is an

* Section 991.11, WISCONSIN STATUTES 1999-00: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

State of Wisconsin



Republished

2005 Senate Bill 525

Date of enactment: **February 20, 2006**

Date of publication*: **March 6, 2006**

Republication*: **February 28, 2006**

2005 WISCONSIN ACT 114

AN ACT to create 947.011 of the statutes; **relating to:** disrupting a funeral or memorial service or a funeral procession and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 947.011 of the statutes is created to read:
947.011 Disrupting a funeral or memorial service.

(1) In this section:

(a) "Facility" includes a cemetery in which a funeral or memorial service takes place.

(b) "Funeral or memorial service" includes a wake or a burial, as defined in s. 157.061 (1), but does not include a service that is not intended to honor or commemorate one or more specific decedents.

(2) (a) No person may do any of the following during a funeral or memorial service, during the 60 minutes immediately preceding the scheduled starting time of a funeral or memorial service if a starting time has been scheduled, or during the 60 minutes immediately following a funeral or memorial service:

1. Engage in conduct that is prohibited under s. 947.01 within 500 feet of any entrance to a facility being used for the service with the intent to disrupt the service.

2. Intentionally block access to a facility being used for the service.

(b) No person, with the intent to disrupt a funeral procession, may impede vehicles that he or she knows are part of the procession.

(c) No person may do any of the following during a funeral or memorial service, during the 60 minutes immediately preceding the scheduled starting time of a funeral or memorial service if a starting time has been scheduled, or during the 60 minutes immediately following a funeral or memorial service:

1. Engage in conduct that is prohibited under s. 947.01 within 500 feet of any entrance to a facility being used for the service.

2. Block access to a facility being used for the service.

(d) No person may impede vehicles that are part of a funeral procession if the person's conduct violates s. 947.01.

(3) (a) Except as provided in par. (b), any person who violates this section is guilty of a Class A misdemeanor.

(b) Any person who violates sub. (2) (a) or (b) after having been convicted of a violation of this section is guilty of a Class I felony.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].